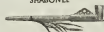


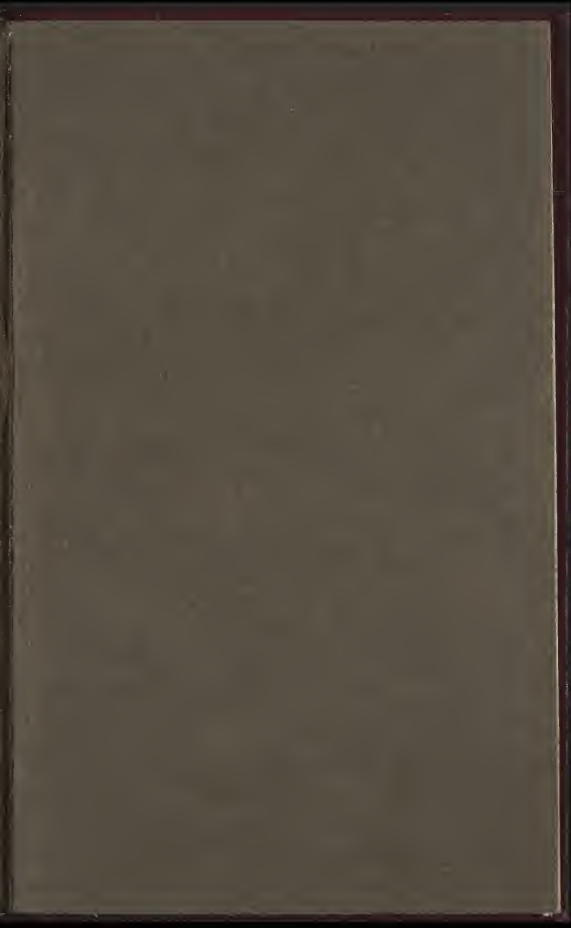


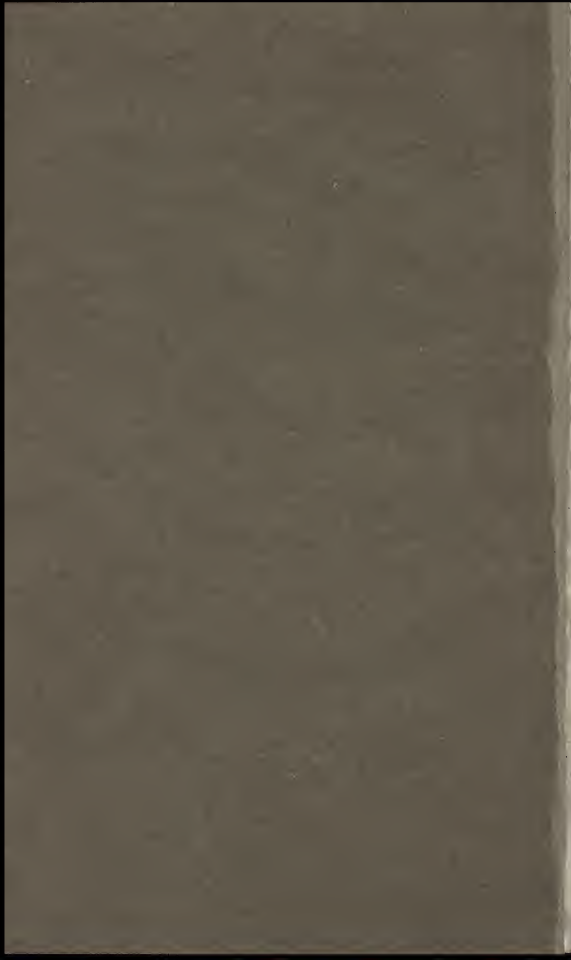
GUACANAGARI	PONTIAC	BLACK HAWK
MONTEZUMA	CAPTAIN PIPE	KEOKUK
GUATIMOTZIN	LOGAN	SACAGAWEA
POWHATAN	CORNPLANTER	BENITO JUAREZ
POCAHONTAS	JOSEPH BRANT	MANGUS
SAMOSET	RED JACKET	COLORADAS
MASSASOIT	LITTLE TURTLE	LITTLE CROW
KING PHILIP	TECUMSEH	SITTING BULL
UNCAS	OSCEOLA	CHIEF JOSEPH
TEDVUSKUNG	SEQUOYA	GERONIMO
	SHABONEE	



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AND DEVELOPMENT OF THE  
PEOPLE REPRESENTED BY THE  
ABOVE CHIEFS AND WISE MEN  
THIS COLLECTION HAS BEEN  
GATHERED BY THEIR FRIEND  
EDWARD EVERETT AYER

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## THE INDIAN QUESTION.

On no subject have the Opposition counted more upon the ignorance or credulity of the people, than on this. And on the results of none will they find themselves more egregiously mistaken. It is intended to be a leading point in the case they design to make up for argument, or rather for parade and political effect. It is to be the stalking-horse for the season, on which baffled politicians are to ride not only on but over the sympathies of the people, and to gain, under the dust they may raise, political advantages which they have no hope of reaching whilst the horizon is clear. Already the Opposition press has been directed to open its batteries, and to push the matter, regardless of the true grounds of the case. The names of the members of congress from this state who voted for the bill which happily became a law at the recent session, have been paraded in capitals, as if by this means odium could be cast upon them for an act which they may justly recur to as one of the most praiseworthy of their lives. Even honorable members, on the other side, have not hesitated to return to their homes, breathing maledictions against the republican members for their votes on this occasion; and pretending to feel the deepest sympathy for the fate of the "poor Indian."

All this is the merest declamation, under, we are sorry to say it, a hollow mockery of sympathy and of national and moral justice. It is sheer clamor, without the pretence of argument, or an approach to the facts of the case. It is an attempt, predetermined and unscrupulously persisted in, to excite the popular feeling against the measure, by studied misstatements of the law and its effects. Stripped of the verbiage of the Opposition, the question is so plain and simple as to admit scarcely of misconstruction.

The law of the late session, above alluded to, authorises the President of the United States to exchange territory belonging to the general government west of the river Mississippi, and not within the limits of any organised state or territory, with any Indians now residing within the limits of any state or territory, who may voluntarily choose to make such exchange; to compensate them for any improvements made upon the lands they now occupy; and to give them necessary aid and subsistence for the first year after their removal.

This law is in itself the result of a philanthropic view of the interesting question of the condition and destiny of the Indian tribes: and so far as it is applicable to Georgia, it is strict national justice and the observance of the national faith, guaranteed by solemn compacts. It is, moreover, in accordance with the early suggestions of Mr. Jefferson, the official recommendations of Mr. Adams, and the more recent and explicit recommendation of President Jackson.

Of all the tribes or nations of Indians to which this bill is applicable, the sympathies of their political friends are directed exclusively to Georgia, containing less than the twenty-fourth part of the whole number \* To none, under all the circumstances, is it so peculiarly and justly applicable as to that state.

Twenty-eight years ago, by a solemn compact, ratified by the congress and by the legislature of Georgia, that state ceded to the United States a territory of sufficient extent to form two large states, in part consideration for which the latter agreed to extinguish for the use of the former, the Indian title to all lands within the limits of the state, "as soon as the same could be done peaceably and upon reasonable terms."

The terms of this stipulation, after the lapse of more than a quarter of a century, not having been fulfilled by the national government, and collisions having occasionally arisen between the state authorities and the Indians, owing to the assumption of independent governmental powers by the latter, the legislature of Georgia deemed it expedient to do, what every one of the old states had long previously done, without the least objection, viz: maintain its right of exclusive sovereignty within its limits, and subject all the Indians within its territory to the regular operation of the state laws. In 1828, a law to this effect was passed by the legislature of Georgia, to be operative in 1830.

The right of that state to exercise this act of sovereignty, can not be questioned. Nothing can be clearer than the power of exclusive sovereignty in the several states within their respective limits. Nothing could be more anomalous, or in the opinion of judge SPENCER, there could not be a greater "solecism," than an independent state sovereignty within a state sovereignty. And yet for the exercise of this undoubted right,—a right which could not be wrested from her by any power under the U. S. constitution,—that state has been assailed, bitterly and violently, and attempts have been made to enflame the public mind against a just and necessary proceeding on her part. After a long sleep over aboriginal rights, the political philanthropists have awaked, at this late day, to the exclusive protection of the Indians within the limits of Georgia. What had been done for years, without objection or molestation, by New-York and other of the old states,—what they themselves had witnessed for thirty years, with a silent approbation or an active participation,—becomes all at once, a dreadful oppression,—and in the language of

\* By the report made to the war department by Jedediah Morse, it appears that there were in New-England 2,526, New-York 5,194, Virginia, N. & S. Carolina 497, Georgia 5,000 Cherokees, Ohio 2,407, Indiana and Illinois 17,000, Alabama 20,000 Creeks, Tennessee, Alabama and N. Carolina 8,000 Cherokees, Mississippi 28,625 Choctaws and Chickasaws; Florida 5,000, Michigan 22,380, whole number 122,625.

the worthy secretary of the Hartford Convention, "the most unjust, the most disreputable, and the most arbitrary and tyrannical measure that has ever been adopted by the government of the U. S."

In relation to the law of the last session, the answer to all the misrepresentations upon the subject, is in the fact, that the proposed removal is entirely *voluntary*; and that the Indians receive, if they prefer to remove, an equivalent for any lands they may possess, and the appraised value of any improvements thereon. In relation to the jurisdiction of the state of Georgia, and the application of her laws to such as prefer to remain, we can not discover upon what grounds it is doubted, or by what process of reasoning a resistance to its exercise can be justified. What in this state, for instance, would be conceived to be more absurd than the erection of an independent Indian government, within the limits of the state? Who amongst us would not be regarded as mad or misguided, that would urge or defend it? Suppose the Oneidas, the Senecas, or any one of the Six Nations, should claim the right to erect a local government, independent of the state laws and beyond the cognizance of the state authorities, what citizen of this state that would not scout the idea? And yet the Indians of this state stand in the same relation towards the state government, as those of Georgia to the authorities of that state. With both, treaties or contracts have been made from time to time—both possess reservations, which have been respected by each state as the private property of the respective tribes—and in both, the aggregate number is about the same, i. e. the number of Cherokees in Georgia, is not far from that of the Indians of this state. With this similarity of condition, we beg leave to call the attention of the reader to the practice of this state, in an uninterrupted series of enactments from 1788 to the present time.

These show a constant and recognized application of the state laws to the Indian tribes—the supervision of their internal police,—the regulation of their intercourse with each other and with other citizens,—the formal application to them of our criminal code to all cases arising within the reservations,—and finally the extinguishment of the Indian title by purchase, (and by purchase exclusive on the part of the state, the sale to individuals being prohibited) and the removal of the several tribes, or portions of each, to a remote region, by the direction and under the agency of the state.

If in the course of this narration of the proceedings by the state government, the opinions of some persons, given on former occasions, under high judicial responsibilities, clash with those they now affect to hold, the difference may be ascribed, not to any change in the relative condition of the parties, but to the *political* uses which, in the absence of real causes of complaint against the present administration, it is the policy of such persons now to apply this question.

Session of the legislature of New-York, 1788, gov. George Clinton, ch. 86; enforces the provisions of the constitution, and orders the governor to call out the militia to remove intruders upon Indian lands, and appropriates £2000 to defray expenses.

Session of 1791, gov. G. Clinton, ch. 13—Male Indians of Brothertown, above 21, to hold meetings annually, and choose

a clerk, who shall preside and record their proceedings; also choose a marshal to execute orders of trustees; to choose three persons as trustees, who shall lay out the lands in their town for the separate use of the separate families; to mark the land laid out for separate improvement, and the description to be entered in the clerk's book: holders of separate improvements can maintain an action for trespass against white persons: said trustees, with consent of mayor of Albany, may lease undivided lands, and apply rents for the support of minister and school. If a trespass is committed by one Indian on the land of another, trustees may cause the parties to come before them by an order directed to the marshal, and decide thereon; and if their judgment is not paid in 40 days, the marshal to levy the amount.

Session of 1792, Geo. Clinton, ch. 73—Above section relative to clerk re-enacted; trustees changed to *peace makers*, to whom like powers given; lands allotted to a person, to remain to him and his legal representatives; majority may admit Indians of other tribes to reside among them; one Indian may sell improvements to another; peace makers to lay out roads and order inhabitants to work them; a justice of Herkimer county to preside at first meeting.

Session of 1794, Geo. Clinton, ch. 69—The Governor, Wm North, John Tayler, Ab. Van Vechten, Ab. Ten Broeck, Peter Gansvoort, jr. and Simeon De Witt, appointed trustees for the Indians residing within this state, and for each and every tribe of them, with full power to make such agreements and arrangements with the Oneida, Onondaga and Cayuga Indians, respecting the lands reserved for them, as shall tend to produce an income to the Indians, and to insure their good will and friendship to the people of the U. S.; provided, every grant or conveyance to be obtained from any of the Indians shall be to the use of the people of this state: £5000 authorised as annuities.

Session of 1795, Geo. Clinton, ch. 17—Authorises the Governor to appoint an agent to extinguish the claim of the St. Regis Indians to any lands within the state.

Session of 1796, gov. John Jay, p. 340 Greenleaf—£2000 appropriated for governor "to defray the expense of holding a treaty with the Indians now in the city of New-York, being a deputation from the St. Regis Indians; if he shall judge it proper to hold such treaty, comprehending the compensation to the commissioner or commissioners holding such treaty under the authority of the U. S., and which may be held in consequence of an application from the governor; if he shall judge such commissioner necessary for holding such treaty."

Session of 1797, gov. Jay, ch. 44—New-Stockbridge Indians at annual meetings to make by-laws for improving common lands, laying out and working highways, regulating fences, trespasses of cattle, under such penalties as they shall judge proper, not exceeding \$3 for each offence, to be recovered before the peace makers.

Session of 1800, gov. Jay, ch. 115—\$5 penalty for selling spirits to Oneida, Stockbridge or Brothertown Indians. The Shinuccock Indians of Suffolk, when the consent of three justices of the peace was obtained, were authorised to cut timber for fire wood for their own use on their own land.

Session of 1801, gov. Jay, ch. 66—Governor to cause a treaty to be held with St. Regis Indians, "and for that purpose to appoint an agent on the part of this state, and procure the appointment of a commissioner on the part of the United States, to attend the holding of such treaty." Annuity of \$200 provided for.

\* The only instances in the history of our legislation on this subject, in which there is a recognition of the right of participation on the part of the general government in our treaties with the Indians, was this and another, during the federal administration of gov. Jay; and this, it will be remarked, is qualified with the proviso, "if the gov. shall judge such U. S. commissioner necessary for holding such treaty." In all other instances, the state government has exercised jurisdiction over the Indian nations within the limits of the state, without regard to the authority or co-operation of the U. S.



Session of 1804, gov. Geo. Clinton, ch. 79—Brothertown Indians authorised to bequeath personal estate by will; also to give and devise any title to lands possessed or acquired—Orders of peace makers to be levied by distress and sale of goods; provided the person in whose favor shall satisfy the keepers of the peace, by his own oath or the oath of any other person, that he is in danger of losing the debt: fees of marshal prescribed.

Session of 1808, gov. Tompkins, ch. 188—Officers of superintendents and peace makers by certain acts to cease; superintendents and peace makers to be appointed by council of appointment, for Brothertown Indians, (peace makers to be Indians.); peace makers to try civil causes of \$20, and causes of assault and battery between the Brothertown Indians; superintendents account with the peace makers by giving a statement of their expenditures audited by the Comptroller of the state.

Revised laws of 1813, vol. 2, p. 163: "An act relative to the different tribes and nations of Indians in this state:" prohibiting sale of liquor to Indians; declares it a public offence to purchase lands of Indians, without the consent of state legislature; suits not maintainable against Indians; declares that a certain tract granted to the Stockbridge Indians by the Oneidas in 1783, by the treaty of Fort Stanwix, shall be confirmed to them and their posterity forever, "but without any power of alienation, or right of leasing or disposing of the same, or any part thereof." Stockbridge Indians may elect peace makers, marshal, clerk, &c. Peace makers authorised to hold courts, and decide controversies between Indians, limited to \$12,50; regulates execution of wills; to assign lots to Indians; establishes rule of descent and distribution; and finally regulates and prescribes rules for the general management of all the police and internal affairs of the Indians. Council of appointment to appoint five superintendents of the Brothertown Indians.

Revised laws of 1813, v. 2, p. 167: Enacts, That "it shall and may be lawful for the St. Regis Indians, on the first Tuesday of May in every year, to hold a town meeting on their reservation, within this state, and by a majority of the male Indians above 21 years of age, to choose a clerk, who shall keep order in such meeting, and enter in a book to be provided by him for that purpose, the proceedings of said meeting."

Session of 1813, gov. Tompkins, ch. 130—Governor authorised to hold a treaty with Oneida Indians, or any other Indian nations or tribes, "for the purpose of extinguishing their claim to such part of their lands lying within this state, as he may deem proper, for such sum and annuities as may be mutually agreed upon by the parties."

Session of 1821, gov. De Witt Clinton, ch. 135—Whenever the Governor is satisfied that the Stockbridge nation of Indians is about to remove out of this state, he may advance to them the principal of their annuity.

At the session of 1822, the proceedings were in the highest degree explicit and conclusive. In that year, an Indian woman of the Seneca tribe, having been executed for witchcraft under the Indian authorities, Tommy Jemmy, the executioner, was indicted for murder and convicted in our state courts of criminal jurisdiction. On this trial, his counsel interposed a plea to the jurisdiction of the court, alleging the right of the Seneca tribe to the exercise of sovereignty so far as to try their own people for crimes and offences committed on their lands and against their people, &c. A replication was put in, denying and traversing the material facts and exclusive jurisdiction set up in the plea. After the finding of the local jury in this case, the prisoner was brought before the Supreme Court on a habeas corpus, and the proceedings were removed to that court by certiorari. The opinion of the

court was prepared by the then chief justice SPENCER, and concluded as follows:—

"We are decidedly of opinion, that it is competent to the legislature, to pass a declaratory act, having a prospective operation, asserting in such cases, the exclusive jurisdiction of the courts of this state. *It would, we think, be a solecism to maintain, that our jurisdiction extended over the whole state, and yet there were parts of it to which it did not extend.* We believe the jurisdiction of our courts has never been denied, where an Indian has killed one of our citizens within an Indian reservation. Such a case occurred some years since, and jurisdiction was assumed by our courts, without a question being raised. *Having then jurisdiction throughout the reservations, it would seem to us not material, by whom, or upon whom, an offence was committed; for no principle is more clear, than that all persons of whatever nation, so long as they remain under the protection of a government, owe to it a temporary allegiance, and are amenable for crimes committed during the continuance of that allegiance.*

"The case of the Indians within our borders, is a peculiar one; but still we cannot perceive that they are not to be amenable for crimes. These considerations would seem to require legislative interposition; but for the reasons suggested, we submit whether the prisoner ought not to be pardoned. If he has offended, and incurred capital punishment, both he and the nation had reason to believe he was not offending against our laws. This course we consider not only just but politic also, for we understand that the nation take part with the accused, and hold him justified in committing the act for which he stands indicted.

"We beg leave to suggest, that if a declaratory act, of the kind proposed, should be passed, whether it should not be confined to a few capital cases only, leaving to these Indians, the adjustment among themselves, of such minor offences, as may safely be entrusted to them, to the end that the punishment of death shall in no case be inflicted, except under the authority of this state.

"We make this communication to your Excellency, as one deserving the consideration of the executive and legislative branches of the government.

"With great respect, your Excellency's obedient servant,  
A. SPENCER."

This opinion was communicated to the legislature by gov. Clinton on the 26th Feb. 1822, as an important communication, to which he recommended their deliberate attention.

In the house, Mr. M'Kown, the present able law officer of the city of Albany, then chairman of the committee on courts of justice, submitted the following report:—

"Mr. J. M'Kown, from the committee on courts of justice, to whom was referred a message of his excellency the governor, transmitting a communication from the justices of the supreme court, relating to the conviction of *Soo-non-gize*, otherwise called Tommy Jemmy, and the jurisdiction of our courts of justice over the Indian tribes, for offences committed by them on their own lands, and against their own people, reported:

"That the communication of chief justice Spencer, contains so lucid and able a view of the subject referred to the committee, that they deem it superfluous for them to say more, than that they fully coincide in the necessity of a declaratory act. On a deliberate consideration of the whole subject, and consultation with the judges of the supreme court, the committee are of opinion, that it would not be expedient to leave to the Indians the right to convict or punish their own people for violations of our laws, or offences against their own regulations, in any case.

"The case of *Soo-non-gize*, otherwise called Tommy Jemmy, the committee believe requires the interposition of the legislature. There can be no doubt that

he had reason to believe he was not offending against our laws, when the murder was committed; but on the contrary, that he believed he was doing a meritorious deed in destroying the life of the woman, who was decreed worthy of death, by his tribe.

"Under the peculiar circumstances of the case, the committee can have no hesitation in giving an opinion that he ought to be pardoned."

The committee accompanied their report with the following bill, which was forthwith passed by both houses:

"An act declaring the jurisdiction of the courts of this state, and pardoning So-on-gize, otherwise called Tommy Jemmy. Passed April 12, 1822.

"Whereas the Seneca and other tribes of Indians residing within this state, have assumed the power and authority of trying and punishing, and in some cases capitally, members of their respective tribes for supposed crimes by them done and committed in their respective reservations, and within this state; and whereas the sole and exclusive cognizance of all crimes and offences committed within this state belongs of right to courts holden under the constitution and laws thereof, as a necessary attribute of sovereignty, except only crimes and offences cognizable in the courts deriving jurisdiction under the constitution and laws of the United States; and whereas it has become necessary, as well to protect the said Indian tribes, as to assert and maintain the jurisdiction of the courts of this state, that provision should be made in the premises—Therefore,

"Be it enacted by the people of the state of New-York represented in Senate and Assembly, That the sole and exclusive jurisdiction of trying and punishing all and every person, of whatever nation or tribe, for crimes and offences committed within any part of this state, except only such crimes and offences as are, or may be, cognizable in courts deriving jurisdiction under the constitution and laws of the United States, of right belongs to, and is exclusively vested in the courts of justice of this state, organized under the constitution and laws thereof."

Nothing can be more explicit as a declaratory act; nor can any thing declare more fully, the exclusive state sovereignty over the Indian tribes within the limits of the state: for if it be said, as a palliation, in some degree, of the recent course of the late Chief Justice, in his votes and out-door speeches against the position he then laid down as a "principle" than which "none could be more clear," that he suggested the limitation of the declaratory act to capital cases, leaving by permission of the state "the adjustment among themselves of such minor offences as may safely be intrusted to them;" the answer is, that the report and bill of the committee, maintaining the state sovereignty and jurisdiction in all cases, was submitted, after a subsequent consultation with the judges of the supreme court.

Session of 1823, gov. Yates—Peace makers of the Brothertown Indians appointed by the governor.

Session of 1824, ch. 157, gov. Clinton—Directs the Stockbridge and Delaware Indians, to meet in general council, and by a majority of votes given in such council, to appoint peace makers and town clerk, who hold for one year: No negro or mulatto to vote in council after the passage of this law: clerk to transmit the names of peace makers and clerk to the superintendents of Indian affairs, who are to keep a record of the same.

Session of 1825, ch. 36, gov. Clinton—Governor to treat for purchase of lands, of Stockbridge Indians, and appoint agent to be approved by them, to take charge of their money, and to go with them to Green Bay.

Session of 1827, ch. 298, gov. Clinton—"Whereas the Brothertown Indians have, by their petition presented to the legislature, represented that they have purchased a tract of land at Green Bay, and prayed for the passage of an act authorising them to sell their lands, in the county of Oneida, for the purpose of enabling them to remove and settle at Green Bay." Therefore enacting that superintendents, on applica-

tion of Indians, authorise sale to any person at fair price: money to be paid to superintendents to be held in trust for the Indian owners; all sales to have the sanction of the peace makers of the Indians aforesaid; annuity, to which said Indians are entitled, to be paid after the removal to Green Bay.

Session of 1829, ch. 29, gov. Van Buren—Authorises the governor to treat with Oneida Indians for their lands by purchase, if they desire to sell: To appoint an agent with consent of such party of Indians as desire to emigrate, to take charge of their money paid for their lands, and go with them to Green Bay.

In pursuance of this last act, an agent was appointed by gov. Throop, who accompanied about 100 Indians to Green Bay in the summer of 1829; and who has within a few days drawn the money from the state treasury for another party of the Oneida Indians, and will start forthwith, if he has not already started, with 200 more of that tribe. It may be proper to add, as a general confirmation of the plan of emigration, that we are assured by the agent himself, that the Indians who have heretofore emigrated from this state to the West, are, after a practical trial, highly delighted with the change, and that a greater number were desirous to accompany him at this time, than it was practicable to take under his charge.

We have thus sketched the progress of the "Indian question" in this state. It will be perceived that *here* there is no doubt as to the exclusive jurisdiction of the state authorities, even in a much broader sense than Georgia has ever claimed. With what sort of consistency then, can those who have looked with indifference upon the uniform course of things with us, or who have participated in them, or tacitly or openly approved of them, complain of Georgia for *her* course? With what consistency, under this state of things, can the federal members of congress from this state, rail against the republicans of the delegation, for their votes on this question?

Is it possible to resist the conclusion, that this sudden and violent out-breaking in behalf of the "poor Indian," is only another device of the "catterpillar" politicians? We submit it to a candid and intelligent people, who despise cant and reprove insincerity, whether the device is not most lame and impotent.

MR. FOREYTH'S SPEECH IN THE U. S. SENATE.—We regret that the restricted state of our columns prevents us at this time from copying all of this able and lucid exposition of the controverted points of the Indian question. It is an elaborate and full history of the case, which successfully vindicates the course of Georgia in this matter, showing, so far as she has assumed or claimed jurisdiction over the Indian tribes, she has not exercised and does not claim, as much as New York, New England and the old states generally, have steadily exercised for a period of forty years over the Indians within their territory. It exposes, also, the designs of the political friends of the Indians, who have seized upon this question for partizan purposes, and who seek to mislead the public mind in relation to it: and it furnishes to all who are disposed to examine the subject with fairness and judge of it with candor, the means of forming accurate and just opinions. The following are brief extracts:—

"Georgia is the theme of the evening chant and matin song of all the calumniators of the Union, who have

taken the Cherokees into their holy keeping. epithet is too strong, no reproach too foul to cast upon her for having followed the example of ten states in the exercise of jurisdiction over the Indians within their territory. All the New England states, New-York, Virginia, N. Carolina, S. Carolina, Maryland escape censure for similar acts with those which have brought down upon us torrents of invective. I may be permitted, Mr. President, to point out some of the causes which have led to this great anxiety that is exhibited for the Cherokee Government.

The late Secretary of War points out some of the most prominent; there are a great many white men, missionaries, and others connected with the missions, who have comfortable settlements on the land occupied by the Cherokees, and a direct interest in preventing any change in their condition. These persons have been actively engaged in correspondence with their friends, and the patrons of their missionary establishment. The Cherokee government is in the hands of a few halfbreeds and white men; who, through its instrumentality, regulate the affairs, and control all the funds of the tribe. There is a press established, supported by those funds. A press established in a community of 13,000 souls, not 500 of whom can write or read. The money which ought to be used to feed and clothe the common Indians, who are represented as half starved and naked wretches, is applied to the support of a printing press, to the establishment of exchanges of newspapers with the printers of the United States. It is thus, sir, that the Cherokees have been made so prominent. There is another not less powerful agent at work. The Cherokee government have a delegation in Washington, sent here to defend the independence of the tribe; and as the leaders understand the value of money, the council have passed a resolution authorizing the delegation to pay out of the public treasury for any aid or advice that may be obtained in the execution of their trust. Of these printed circular letters, of these printed memorials to congress, of these pamphlets and essays which have been laid upon our tables, how many have been fabricated under the hope or promise of present reward? Let those who are confidential with the Cherokee delegation answer the question."

"Relying upon the faith of the United States, Georgia, from the date of the contract until recently, refrained from all exercise or claim of authority over these subjects, looking confidently forward to a period not remote, when all her just claims would, without effort on her part, be satisfied by the general government. To this compact, the hon. senator from N. Jersey may look for an answer to his repeated enquiry, Why did Georgia acquiesce in the exercise of the treaty making power by the federal government?—Georgia having imposed upon the United States the obligation to extinguish the Indian title, did not consider herself authorised to interfere in the manner in which that obligation was performed. Why she has been compelled to interfere will be seen by a short history of the execution of the compact. The money stipulated has been, after some difficulties, paid. Of the land, after the expiration of 23 years, a large territory remains still occupied by the Indians. When it is borne in mind, Mr. President, that since the year 1802, countless millions of acres of land have been purchased by the United States from Indian tribes, independent of states created, and territorial governments formed upon it, is it surprising that the Georgians should inquire, why it is, that this compact has not been fully and faithfully executed? To say nothing of Illinois, Indiana, Missouri, Alabama, Mississippi and the territories of Michigan, and Arkansas, compare the purchases made by the United States in Ohio, from Indians, and the effect of these purchases on the political power of the south and west. On the 30th of April, 1802, the act passed authorising the people of Ohio to form a constitution. How stands Ohio

compared with Georgia—an independent state of the revolution; in 1802 represented by three representatives in congress? At this moment, Ohio is cursed by the presence of but a few Indians, occupying a small body of land, while in political power she stands, to adopt expressions vauntingly used in this house, by the side of the great states of New York, Pennsylvania and Virginia. Ohio has been fostered, and the promise to Georgia has not been performed. Ohio has fifteen representatives in congress, Georgia but seven. Why is this, sir? Were there greater difficulties in making Indian purchases from the southern tribes than from the northern Indians? If such is the fact, a sufficient cause existed to repress our complaints. The United States from 1805 to 1819, purchased for other states 29,678,540 acres, *not one foot of which lies in Georgia*, from the southern tribes. Vast acquisitions have been made without difficulty for the United States; difficulties have always occurred when the Georgia compact was to be fulfilled. But, Mr. President, confining this examination to the Cherokee tribe, look at the singular facts presented by the history of the purchases made from them since 1802. By the report of the secretary of war, of 30th March, 1824, all the lands purchased for Georgia from the Cherokees since 1802, is 995,310 acres; 295,310 by the treaty of 1817, and 700,000 by the treaty of the 27th of February, 1819; of about 5 million of acres occupied by the tribe in 1802, not one fifth part has yet been obtained under the promise of the general government. It may be imagined, sir, that this has arisen from the impracticability of making purchases from this tribe. They have been unwilling *peaceably to sell on reasonable terms*. What will the senate think of the obligations of truth and justice in the performance of agreements, when I inform them that within that period, more land has been purchased from the tribe than was claimed by them in Georgia, for Alabama, Tennessee, North Carolina and South Carolina, 8,542,540 acres have been obtained by the successive arrangements of 1803, 1806, 1816, 1819. We saw ourselves postponed, time after time, to suit the convenience of other states, without murmur. Complaint would have been justified; it was not made; we relied upon the good faith of the government, for a performance of its obligations in reasonable time. How vainly, we but too soon discovered. The facts just stated shew to the senate that the Cherokees, without difficulty, surrendered more land than was claimed by Georgia. Why the convenience of some of the states was consulted in preference to the performance of a solemn promise, has never been explained. But this is not all; in 1817 through the agency of gen. Jackson, a contract was made with the Cherokees, by which their removal from Georgia was secured; a contract made at their instance, and for the particular accommodation of that portion of the Cherokees who occupied the lower towns, lying in Georgia, who desired to remove to the west, to continue the hunter's life; the upper towns, lying out of Georgia, desiring to remain permanently where they were. This contract was but partially executed; in the partial execution of it, the interests of Georgia were sacrificed to the policy of the federal government. The Cherokees who wished to remain, threw every obstacle in the way of the emigration proposed. The agent, Mr. Mine, states, in his official report to the secretary of war, that the poor creatures who were disposed to remove, terrified by their head men, were afraid publicly to approach to consult him, or to enrol their names as required by the contract. They crept to his tent in the silence and darkness of midnight, to whisper their wishes and their fears; uniting prudence to firmness, he was able to overcome opposition, and his official statement of 1818, to the secretary of war, authorizes me to say that, by a strict adherence to the contract of 1817, justice would have been speedily done to Georgia."

Extract from President Adams' message in 1825.

"Being deeply impressed with the opinion that the removal of the Indian tribes from the land which they now occupy within the limits of the several states and territories, to the countries lying westward and northward thereof, within our acknowledged boundaries, is of very high importance to our union, and may be accomplished on conditions, and in a manner to promote the interest and happiness of these tribes, the attention of congress has been drawn with great solicitude to the subject. Experience has clearly demonstrated that in their present state, it is impossible to incorporate them, in masses, in any form whatever, into our system. It has also been demonstrated with equal certainty, that without a timely anticipation of, and provision against, the dangers to which they are exposed, under causes which it will be difficult, if not impossible, to control, their *degradation and extermination* will be *INEVITABLE*."

THE INDIAN QUESTION.—We have already alluded to the published opinions of Mr. JEFFERSON in favor of the emigration of the Indians to grounds west of the Mississippi, and to the official recommendations of presidents MONROE and ADAMS on this subject.—We refer again to the latter, and to the report of gen. PORTER, in the following article from the Baltimore Republican. How glaring is the inconsistency and unfairness of the Opposition, upon this question!

Extracts from gen. P. B. PORTER's report, 1828.

In Mr. Adams' last message, (Dec. 1828) he recommended to the consideration of Congress the outlines of a plan prepared by gen. Porter, the Secretary at War.

In that report the secretary expressly pronounces the doctrines of Indian sovereignty "extravagant and unjust," as much so as the other doctrine that they are mere "tenants at will, subject, like the buffalo of the prairies, to be hunted from their country whenever it may suit our interest or convenience to again take possession of it."

"The most prominent feature in the *present policy of the government*, as connected with these people, is to be found in the efforts that are making to remove them beyond the limits of the states and organized territories."

"If the project of colonization be a wise one, and of this I believe *no one entertains a doubt*, &c."

"In regard to such Indians as shall still remain within the states, and refuse to emigrate, let an arrangement be made with the *proper authorities of the respective states* in which they are situated, for partitioning out to them, in severally, as much of their respective reservations as shall be amply sufficient for agricultural purposes. *Set apart a tract*, proportioned in size to the number of Indians, to remain in common, as a refuge and provision for such as may by providence waste their private property; and *subject them all to the municipal laws of the state in which they reside*."

Here we learn that *removal was the policy* of the government, that the claim of the Indians to sovereignty was "extravagant and unjust;" that it was the duty of the government to take care of them, parcel out their lands in reasonable quantities, and place them under the municipal laws of the states.

This was Mr. Adams' policy, and all was right: When gen. Jackson recommends similar measures, quite as lenient and more efficiently presented for consideration and legislation, the same supporters of Mr. Adams in the same policy, are loudest in denunciation and the most violent in abuse. Can this be honesty? or is it not mere faction?

The following is a copy of the law of the late session, as it passed both houses of Congress:—

AN ACT to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.

*Be it enacted, &c.* That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States west of the river Mississippi, not included in any state or organised territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts for the reception of such tribes or nations of Indians AS MAY CHOOSE to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described, by natural or artificial marks, as to be easily distinguished from every other.

SEC. 2. *And be it further enacted*, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states or territories where the land claimed and occupied by the Indians is owned by the United States, or the United States are bound to the state within which it lies, to extinguish the Indian claim thereto.

SEC. 3. *And be it further enacted*, That, in the making of any such exchange or exchanges, it shall and may be lawful for the president solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guarantee to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, the United States will cause a patent or grant to be made and executed to them for the same: *Provided, always*, That such lands shall revert to the United States if the Indians become extinct, or abandon the same.

SEC. 4. *And be it further enacted*, That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements; and upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

SEC. 5. *And be it further enacted*, That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants, as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and, also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

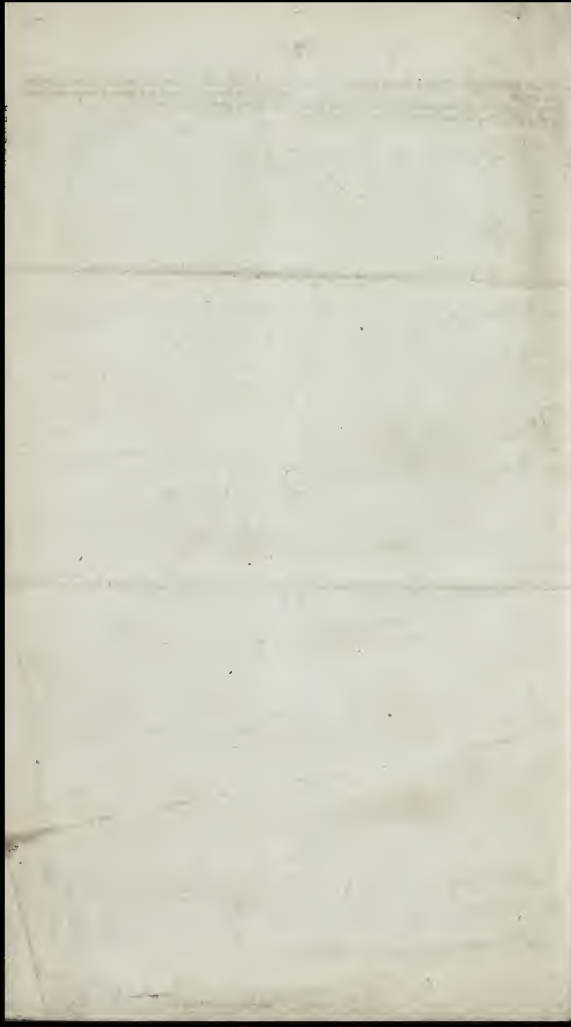
SEC. 6. *And be it further enacted*, That it shall and may be lawful for the President to cause such tribe or nation to be protected at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

SEC. 7. *And be it further enacted*, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorised to have over them at their present places of residence: *Provided*, That nothing in this act contained shall be construed as authorising or directing the violation of any exist-

ing treaty between the United States and any of the Indian tribes.

SEC. 8. *And be it further enacted*, That, for the purpose of giving effect to the provisions of this act, the

sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

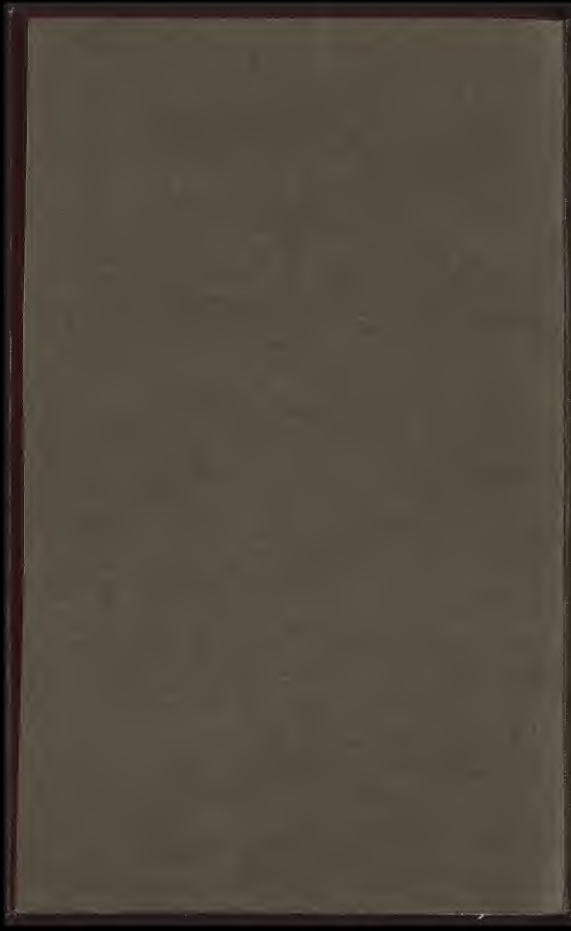












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